

2005 DRAFTING REQUEST

Bill

Received: **12/21/2004**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Walker**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Walker, BB0340 -

Topic:

Remove Fox River navigation system appropriations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 12/22/2004 rkite 01/04/2005			_____ _____ _____ _____			State
/1	rkite 01/19/2005 rnelson2 01/19/2005	lkunkel 01/19/2005	rschluet 01/19/2005	_____ _____ _____ _____	Inorthro 01/19/2005		

FE Sent For:

<END>

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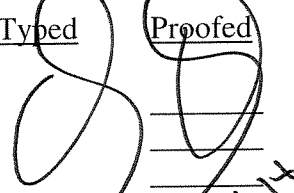
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1/?	rnelson2 12/22/2004 rkite	/lmk 1/19					

FE Sent For:

<END>

2003-05 Budget Bill Statutory Language Drafting Request
December 21, 2004

- Topic: Fox River Management Appropriations
- Tracking Code: **BB 0340**
- SBO team: Environmental and Commercial Resources
- SBO analyst: William D. Walker 
 - Phone: 266-7973
 - Email: william.walker@doa.state.wi.us
- Agency acronym: DNR
- Agency number: 370

Eliminate DNR appropriations associated with management of the Fox River navigational system that are no longer needed following establishment of the Fox River Navigational System Authority.

20.370 (9) (jl) and (ju).

237.15(1)

15.345(5)

12/28/04

Talked to Bill Walker

agreed that ss. 15.345(5), 30.93 and 237.15(1)
probably need to be repealed

The problem w/ 237.15(1) is that the
unencumbered balances in 20.370(9)(jL) and
(ju) have not yet been transferred because
those amounts have not been determined
yet -

so, it might not be a good idea to
repeal that provision

told him I would think about this +
get back to him -

Kite, Robin

From: Kite, Robin
Sent: Tuesday, January 04, 2005 10:09 AM
To: Walker, William - DOA
Subject: Fox River Navigational System draft

Bill,

In accordance with our conversation today, I am putting this draft on hold for the reasons we discussed (i.e. we cannot repeal s. 20.370 (9) (jL) and (ju) until such time as the unencumbered balances in those appropriation accounts are transferred as required under s. 237.15, stats.). If you learn that the required transfer under s. 237.15 stats. has taken place, and if the deadline for requesting budget drafts has not expired, please contact me and I will prepare a draft for you.

Thanks.

Robin

Robin N. Kite, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 East Main St.
Suite 200
Madison, WI 53703
(608) 266-7291

Kite, Robin

From: Walker, William - DOA
Sent: Wednesday, January 19, 2005 9:43 AM
To: Kite, Robin
Cc: Grinde, Kirsten
Subject: RE: Fox River Navigational System draft

Robin:

The transfer of funds was completed yesterday late afternoon. If there is still time, please prepare this draft.

-----Original Message-----

From: Kite, Robin [mailto:Robin.Kite@legis.state.wi.us]
Sent: Tuesday, January 04, 2005 10:09 AM
To: Walker, William - DOA
Subject: Fox River Navigational System draft

Bill,

In accordance with our conversation today, I am putting this draft on hold for the reasons we discussed (i.e. we cannot repeal s. 20.370 (9) (jL) and (ju) until such time as the unencumbered balances in those appropriation accounts are transferred as required under s. 237.15, stats.). If you learn that the required transfer under s. 237.15 stats. has taken place, and if the deadline for requesting budget drafts has not expired, please contact me and I will prepare a draft for you.

Thanks.

Robin

Robin N. Kite, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 East Main St.
Suite 200
Madison, WI 53703
(608) 266-7291

soon

2005 - 2006 LEGISLATURE

LRB-1363/1

RNK

D-Note

DOA:.....Walker, BB0340 - Remove Fox River navigation system appropriations

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

provides that
~~Under~~ current law, the Fox River management commission (river commission), is authorized to enter into agreements with the federal government to operate and manage the Fox River navigational system which includes locks, harbors, and other facilities related to navigation that are on or near the Fox River.

is required
Current law ~~requires~~ the Fox River Navigational Authority (authority) to take over the rehabilitation, repair, replacement, operation, and maintenance of the ~~Fox River navigational system after the transfer of the system from the federal government to the state.~~ An authority is an entity with a board of directors that is established by state law but that is not a state agency. Current law provides that once the system is transferred to the state, the state in turn will enter into a lease with the authority to transfer the system to the authority.

Because the system has been transferred to the state, and the state has entered into a lease with the authority to transfer the system to the authority, this draft eliminates the the river commission and its authority to enter into agreements with the federal government to operate and manage the Fox River navigational system.

provides that if the Fox River Navigational System is transferred from the federal government to the state

✓ For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.01 (2) ^X of the statutes is amended to read:

2 15.01 (2) "Commission" means a 3-member governing body in charge of a
3 department or independent agency or of a division or other subunit within a
4 department, except for the Wisconsin waterways commission which shall consist of
5 5 members, [✓] ~~and~~ the parole commission which shall consist of 8 members, [✓] ~~and the Fox~~
6 ~~River management commission which shall consist of 7 members.~~ A Wisconsin group
7 created for participation in a continuing interstate body, or the interstate body itself,
8 shall be known as a "commission", but is not a commission for purposes of s. 15.06.
9 The parole commission created under s. 15.145 (1) shall be known as a "commission",
10 but is not a commission for purposes of s. 15.06. The sentencing commission created
11 under s. 15.105 (27) shall be known as a "commission" but is not a commission for
12 purposes of s. 15.06 (1) to (4m), (7), and (9).

^X
History: 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237; 2001 a. 16, 105, 109.

13 **SECTION 2.** 15.345 (5) ^X of the statutes is repealed. ✓

14 **SECTION 3.** 20.370 (9) (jL) ^X of the statutes is repealed. ✓

15 **SECTION 4.** 20.370 (9) (ju) [✓] of the statutes is repealed. ✓

16 **SECTION 5.** 30.92 (1) (b) ^X of the statutes is amended to read:

17 30.92 (1) (b) "Governmental unit" means the department, a municipality, a lake
18 sanitary district, a public inland lake protection and rehabilitation district organized
19 under ch. 33, the Milwaukee River revitalization council, the Lower Wisconsin State
20 Riverway board, ~~the Fox River management commission~~ or any other local

1 governmental unit, as defined in s. 66.0131 (1) (a), that is established for the purpose
2 of lake management. ✓ X

History: 1977 c. 274; 1979 c. 34 s. 2102 (39) (a); 1979 c. 154, 221; 1981 c. 20; 1983 a. 27 ss. 870, 2202 (38); 1985 a. 29, 332; 1989 a. 31, 160; 1991 a. 39, 269; 1995 a. 8, 27, 349; 1997 a. 27 ss. 1144q, 1144r, 1144s, 1145, 1146, 1146d, 1146g, 1146h, 5503g; 1997 a. 79, 248; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 33.

3 **SECTION 6. 30.92 (4) (a) of the statutes is amended to read:**

4 30.92 (4) (a) The department shall develop and administer, with the approval
5 of the commission, a financial assistance program for governmental units, including
6 itself, and qualified lake associations for the construction and rehabilitation of
7 capital improvements related to recreational boating facilities, for the improvement
8 of locks and facilities which provide access between waterways and for the projects
9 specified in par. (b) 8. ~~No financial assistance under this section may be provided to~~
10 ~~the Fox River management commission for feasibility studies of construction~~
11 ~~projects or for construction projects.~~ ✓ No financial assistance under this section may
12 be provided to the department other than for projects for access to inland lakes
13 without a public access facility. X

History: 1977 c. 274; 1979 c. 34 s. 2102 (39) (a); 1979 c. 154, 221; 1981 c. 20; 1983 a. 27 ss. 870, 2202 (38); 1985 a. 29, 332; 1989 a. 31, 160; 1991 a. 39, 269; 1995 a. 8, 27, 349; 1997 a. 27 ss. 1144q, 1144r, 1144s, 1145, 1146, 1146d, 1146g, 1146h, 5503g; 1997 a. 79, 248; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 33.

14 **SECTION 7. 30.93 of the statutes is repealed.** ✓

15 **SECTION 8. 237.15 (1) of the statutes is repealed.** ✓

16 (END)

d-n

(date)

1363/1

RNK: Lmk

D-Note

, stats.,

Among other things, this draft
repeals § 5.239.15, ~~which concerns~~ because it
is my understanding that all of the required
transfers under that statute have taken place.
Is this O.K.?

RNK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1363/1dn
RNK:lmk:rs

January 19, 2005

Among other things, this draft repeals s. 237.15, stats., because it is my understanding that all of the required transfers under that statute have taken place. Is this O.K.?

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1363/1

RNK:lmk:rs

DOA:.....Walker, BB0340 - Remove Fox River navigation system appropriations

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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Current law provides that the Fox River management commission (river commission), is authorized to enter into agreements with the federal government to operate and manage the Fox River navigational system which includes locks, harbors, and other facilities related to navigation that are on or near the Fox River.

Current law provides that if the Fox River navigational system is transferred from the federal government to the state the Fox River Navigational Authority (authority) is required to take over the rehabilitation, repair, replacement, operation, and maintenance of the system. Current law provides that once the system is transferred to the state, the state in turn will enter into a lease with the authority to transfer the system to the authority.

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SECTION 1. 15.01 (2) of the statutes is amended to read:

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30.92 (1) (b) "Governmental unit" means the department, a municipality, a lake sanitary district, a public inland lake protection and rehabilitation district organized under ch. 33, the Milwaukee River revitalization council, the Lower Wisconsin State Riverway board, ~~the Fox River management commission~~ or any other local governmental unit, as defined in s. 66.0131 (1) (a), that is established for the purpose of lake management.

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11 **(END)**